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10 Attorneys for Plaintiffs  
11 Passages Silver Strand, LLC and  
12 Grasshopper House, LLC

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**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

Grasshopper House, LLC, a  
California limited liability company  
doing business as Passages Malibu,  
Passages Silver Strand, LLC, a  
California limited liability company,

Plaintiffs,  
vs.

Central Recovery Treatment,  
LLC, a Nevada limited liability  
company, doing business as Las  
Vegas Recovery Center,

Defendant.

CASE NO. CV-09-9352 DSF (PJWx)

PLAINTIFFS' RESPONSE TO  
JANUARY 20, 2010 ORDER RE:  
NOTICE TO THE PATENT AND  
TRADEMARK OFFICE

Hon. Dale S. Fischer

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2 Plaintiffs Grasshopper House, LLC (“Grasshopper House”) and Passages  
3 Silver Strand, LLC (“Passages”) (collectively “Plaintiffs”) hereby submit this Brief  
4 in response to the Court’s January 20, 2010 Order requesting that Plaintiffs comply  
5 with a notice requirement pursuant to Local Rule 3-1, which can be satisfied by  
6 filing Form AO 120 with the Patent and Trademark Office (“PTO”).

7 This Court has two separate sources of authority for jurisdiction over  
8 Plaintiffs’ trademark and infringement and unfair competition claims against  
9 Defendant Central Recovery Treatment, LLC (hereinafter “Defendant” or “Central  
10 Recovery”). First, this Court has diversity jurisdiction over Plaintiff’s civil action  
11 pursuant to 28 U.S.C. § 1332. Second, this Court has federal question subject  
12 matter jurisdiction over Plaintiffs’ civil action pursuant to 28 U.S.C. §§ 1331 and  
13 1338. Local Rule 3-1 specifically addresses cases brought under 28 U.S.C. § 1338.

14 Local Rule 3-1 provides, in pertinent part, that:

15 In all cases where jurisdiction is invoked in whole or in part under 28  
16 U.S.C. § 1338 (regarding patents, plant variety protection, copyrights  
17 and trademarks), the Clerk shall also be provided at the time of filing  
18 with the original and two copies of the required notice to the Patent  
19 and Trademark Office in patent, plant variety protection and  
trademark matters and the original and four copies of the required  
notice in copyright matters.

20 However, as noted on Form AO 120, such notice is only required for compliance  
21 with 15 U.S.C. § 1116. Notice to the PTO is required only for those cases  
22 involving marks registered under the provisions of the Lanham Act. *See* 15 U.S.C.  
23 § 1116(c). The trademarks in dispute do not fall under this category as they have  
24 not been registered with the PTO. Thus, providing notice to the PTO would be  
25 inappropriate. While Plaintiffs’ marks are registered with the California Secretary  
26 of State, Plaintiffs are unaware of any notice requirement for the California

Secretary of State. As such, the notice requirements described by Local Rule 3-1 and 15 U.S.C. § 1116 are not applicable.

Respectfully submitted,

## TROJAN LAW OFFICES

by

Dated: January 20, 2010

/s/ R. Joseph Trojan

R. Joseph Trojan

Attorneys for Plaintiffs  
Passages Silver Strand, LLC and  
Grasshopper House, LLC.